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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA AND THE
STATE OF NEVADA *ex rel.* MARY KAY
WELCH,

Plaintiffs,

v.

MY LEFT FOOT CHILDREN'S THERAPY
LCC, ANN MARIE GOTTLIEB, JONATHAN
GOTTLIEB,

Defendants.

Case No: 2:14-cv-01786-MMD-GWF

**UNOPPOSED MOTION FOR LEAVE
TO FILE STATEMENT OF
INTEREST**

The United States respectfully moves for leave to file a five-page statement of interest to address several arguments the Defendants make in their Motion to Dismiss (doc. no. 68) and reply brief. The False Claims Act is the “government’s primary litigative tool for the recovery of losses sustained as the result of fraud against the government.” *Avco Corp. v. U.S. Dep’t of Justice*, 884 F.2d 621, 622 (D.C. Cir. 1989). The government, therefore, has a significant interest in how decisions by the courts, even in declined actions, may shape future enforcement of the statute. Moreover, although the United States has declined to intervene in this case, it

remains the real party in interest. *United States ex rel. Eisenstein v. City of New York*, 556 U.S. 928, 934 (2009).

The Defendants' motion raises matters that broadly relate to cases alleging that health care providers submitted claims for services that were not reasonable and necessary. The reply brief (doc. no. 71), in particular, discusses several cases that were not previously cited or discussed in the Defendants' opening brief, and therefore neither the Relator nor the Government had an opportunity to address them previously.

Accordingly, the United States requests leave to file a five-page statement of interest, due ten days from the date the Court grants leave to file the statement. The United States has met and conferred with the Defendants, who do not oppose this motion, but request that the Court also allow them to file a five-page brief in reply to the Government's statement, to be due within ten days of the Government's statement. The United States does not oppose this request.

The United States has also conferred with counsel for the Relator, who does not oppose the relief requested.

Accordingly, for the foregoing reasons, the United States respectfully seeks leave to file a statement of interest in this action.

Respectfully submitted this 19th day of August 2016.

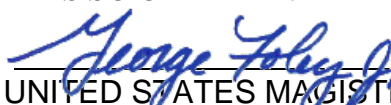
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IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: 8/22/2016